

3. To secure the Note, a Mortgage, executed by Debtor and Codebtor, was given June 21, 2006 and recorded July 3, 2006. A copy of the Mortgage and subsequent Assignments of Mortgage are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. The terms of the Note were subsequently modified as set forth in the Home Affordable Modification Agreement (Mortgage), attached as Exhibit C.
5. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.
6. There are no other liens against the property as listed in Debtor's Schedule D.
7. As of December 9, 2022 the total outstanding amount due on the Note is \$423,669.06 which consists of:

Principal	\$333,827.50
Interest	\$40,872.05
Escrow Advance	\$39,809.18
Late charges	\$0.00
Other Fees	\$166.50
Recoverable Balance	\$11,985.54
Suspense funds	\$(2,991.71)

8. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) and the codebtor stay pursuant to 11 USC § 1301 to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose and sell the Property.
9. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor and Codebtor are in default post-petition. Debtor and Codebtor have failed to make full post-petition payments for the past 3 months as of December 9, 2022

and are in default in the amount of \$5,112.93. This amount is broken down as follows:

<u>Post-Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
October 2022 to November 2022	\$1,773.56	\$3,547.12
December 2022 to December 2022	\$1,814.80	\$1,814.80
Suspense: \$(248.99)		
Total: \$5,112.93		

10. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
11. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay and the Codebtor Stay.

Respectfully submitted,

/s/Alyk L. Oflazian

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The case attorney for this file is Alyk L. Oflazian.

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 22-11379**
Jennifer C. Powers : **Chapter 13**
: **Judge Eric L. Frank**
Debtor(s) : * * * * *

:
U.S. Bank National Association : **Date and Time of Hearing**
Movant, : **Place of Hearing**
vs : **January 17, 2023 at 09:30 a.m.**
:
Jennifer C. Powers :
Robert Powers :
:
KENNETH E. WEST :
Respondents.

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of U.S. Bank National Association for Relief from the Automatic Stay and Codebtor Stay as to Robert Powers on First Mortgage for Real Property located at 2138 6th Avenue, Morton, PA 19070 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Jennifer C. Powers, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Jennifer C. Powers and Robert Powers, 2138 6th Avenue, Morton, PA 19070

/s/Alyk L. Oflazian